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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8669-2023 (O&M)

Date of Decision: March 22, 2023

Bahadur Singh

.....Petitioner

Versus

State of Haryana (now State of Punjab as per correction made in today's
order) and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Kuldeep Singh, Advocate for
Mr.L.S.Dandiwal, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

CRM-9551-2023

Instant application has been filed for amendment of the above-mentioned petition to the extent of mentioning State of Punjab instead of State of Haryana.

It has been contended by counsel for the applicant/petitioner that due to typographical mistake, in the MOP of petition, respondent No.1 has been mentioned as State of Haryana, whereas the case pertains to State of Punjab. He prays that the same be rectified and in the above-mentioned petition, respondent No.1 be read as State of Punjab instead of State of Haryana.

After hearing counsel for the applicant/petitioner and going through the file, application is allowed. Applicant/petitioner is permitted to amend the petition. Amended memo of parties is taken on record.

Registry is directed to do the necessary correction.

CRM-M-8669-2023

Prayer in the present petition is for setting aside the impugned orders dated 11.05.2022 and 19.11.2022 passed by learned Addl. Chief Judicial Magistrate, Mansa, vide which bail of the petitioner has been cancelled and petitioner has been declared as proclaimed offender in complaint under Section 138 of Negotiable Instruments Act, 1981, titled as Balwinder Singh v. Bahadur Singh.

Learned counsel for the petitioner has submitted that the petitioner was regularly appearing before the Court, however, on 11.05.2022, neither petitioner nor his counsel appeared and hence his bail order was cancelled and bail bonds and surety bonds were forfeited to State and non-bailable warrants were issued. He further submits that notice issued to the petitioner was never received by him as he never resided on that address, as mentioned in the complaint and as such, he could not appear before the Court below and join the proceedings in the above-mentioned case and hence, he was declared proclaimed offender. He submits that the petitioner is ready to join the proceedings and contest the case on merit.

Notice of motion.

On asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents/State.

Learned State counsel has stated that the trial Court has rightly cancelled the bail order of the petitioner and issued non-bailable warrants against him as he remained absent from the proceedings without any reasonable cause.

Heard.

This Court is of the view that no useful purpose would be served by sending the petitioner behind the bar rather it will be appropriate if the petitioner is directed to face trial. As he is ready to join the proceedings, the present petition is disposed of and orders dated 11.05.2022 and 19.11.2022 are set aside subject to payment of Rs.25,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh, by the petitioner within a period of one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an appropriate application alongwith receipt of said costs, the Court concerned would admit him to bail subject to its satisfaction. He will have protection from arrest for a period of 10 days from today. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and orders under challenge dated 11.05.2022 and 19.11.2022 would come in force.

March 22, 2023
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |